

Application Serial No. 10/684,215
Amendment dated OCTOBER 14, 2005
Reply to Office Action dated July 19, 2005

Amendments to the Drawings

The attached sheets of drawings includes changes to Figures 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26 and 27. These sheets replace the original sheets bearing the aforementioned Figures. The Figures have been amended to correct reference numbers.

Attachment: 14 Replacement Drawing Sheets

REMARKS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed July 19, 2005. With this amendment, the specification and drawings have been amended in accordance with the Examiners suggestion. Additionally, claims 1, 22, 23, 25, 27-29, 39, 50, 53-55, 60, and 61 have been amended, claims 21, 49, and 56 have been cancelled, and new claims 64 and 65 have been added. As such, claims 1-20, 22-48, 50-55, and 57-65 are pending. The amendments to the claims are fully supported by the claims and specification as originally filed. No new matter has been added. Favorable reconsideration is respectfully requested.

Amendments to the Drawings and Specification

The Examiner has objected to the drawings for a lack of correspondence between the drawings and the accompanying descriptive text. The Examiner has also noted editorial changes to the specification. Applicants have amended appropriately, thereby resolving the objections. Favorable reconsideration is respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 62 and 63 are allowed, and that claims 21, 22, 49, and 50 would be allowable if put into independent form.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-12, 19, 20, 23-40, 45-48, 51 and 52 were rejected under 35 U.S.C. §102(b) as anticipated by Ootani et al., U.S. Patent No. 6,168,648. Applicants respectfully traverse the rejection to the extent that it is maintained.

Independent claims 1 and 29 have been amended to include the subject matter of claims 21 and 49, respectively, and claims 21 and 49 have been canceled. As pointed out above, the Examiner indicated that the subject matter of claims 21 and 49 would be allowable if put into independent form. As such, independent claims 1 and 29, and the claims that depend there from, are now in condition for allowance.

With respect to claims 25 (from which claim 26 depends), 27 and 28, these claims have been amended to include first and second liquid path conduits, and a valve assembly, for

example, similar to as recited in the language of original claim 21. The Examiner has acknowledged that Ootani et al. do not disclose this. Thus, claims 25, 26, 27 and 28 also include elements not disclosed by Ootani et al. and therefore are in condition for allowance. Favorable reconsideration is respectfully requested.

Claims 54-61 were rejected under 35 U.S.C. §102(b) as anticipated by Kirsch et al., WO 99/32186. It is also noted that while the Office Action does not so indicate, applicants presume that independent claim 53 was also intended to be rejected on this basis by the Examiner. Applicants respectfully traverse the rejection to the extent that it is maintained.

With regard to independent claims 53 and 54, each of these claims now recite a manifold including a manifold body defining a fluid delivery lumen, the manifold body including a plurality of liquid inlet ports in fluid communication with the lumen. Kirsch et al. do not teach or suggest this. Rather, Kirsch et al. disclose a gas removal device 10 including a housing 20 having only a single inlet port 28 in the housing for receiving a liquid. As such, claims 53 and 54 are now in condition for allowance over Kirsch et al. Favorable reconsideration is respectfully requested.

With regard to claims 55-59, independent claim 55 recites a conduit extending within the housing, the conduit connecting and in fluid communication with the gas collection space and the gas outlet. To further clarify, claim 55 now also recites that the conduit comprises a tubular member extending within the chamber, the tubular member defining a lumen that provides fluid communication between the gas collection space and the gas outlet. Kirsch et al. do not teach or suggest this. While Kirsch et al. discloses a vacuum or vent port 32 in communication with the chamber 66, it does not teach or suggest the claimed conduit comprising a tubular member extending within the chamber and defining a lumen that provides fluid communication between the gas collection space and the gas outlet. As such, independent claim 55, and dependent claims 57-59 (claim 56 has been canceled) are allowable over Kirsch et al. Favorable reconsideration is respectfully requested.

With regard to claims 60-61, independent claim 60 recites a vacuum creating structure attached to the housing and in fluid communication with the gas outlet, and that the vacuum creating structure is permanently mounted onto or of uniform construction with the housing and defines a lumen in fluid communication with the gas outlet. Kirsch et al. do not teach or suggest

this. Kirsch et al. discloses a vacuum or vent port 32, and that the vacuum or vent port 32 can be connected to an external vacuum source through a vacuum line 44, but does not teach or suggest a vacuum creating structure permanently mounted onto or of uniform construction with the housing. As such, independent claim 60, and dependent claim 61 are allowable over Kirsch et al. Favorable reconsideration is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 13-18 and 41-44 were rejected under 35 U.S.C. §103(a) as unpatentable over Ootani et al., U.S. Patent No. 6,168,648, in view of Kirsch et al., WO 99/32186. Applicants respectfully traverse the rejection to the extent that it is maintained.

As discussed above, claim 1, from which claims 13-18 depend, and claim 29, from which claims 41-44 depend, have been amended to include the elements of claims 21 and 49, respectively, thereby rendering the rejection moot. Favorable reconsideration is respectfully requested.

Added Claims

New claims 64 and 65 have been added, and are supported, for example, by originally filed claims 4 and 32, as well as Figure 20, and the accompanying description in the specification. New claims 64 and 65 are similar to original claims 4 and 32, respectively, written in independent form and including some additional language regarding the folded configuration. New claims 64 and 65 are patentable over the cited art of Ootani et al. and Kirsch et al. At a minimum, neither reference appears to teach or suggest a filter structure that includes a first gas permeable membrane layer spaced from a second gas permeable membrane layer, where the first gas permeable membrane layer and the second gas permeable membrane layer are folded back and forth over themselves in a folded configuration. Favorable consideration is respectfully requested.

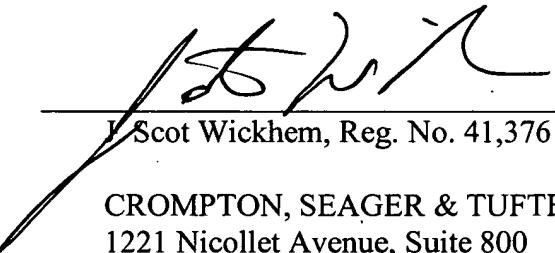
Application Serial No. 10/684,215
Amendment dated OCTOBER 14, 2005
Reply to Office Action dated July 19, 2005

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
KATHRYN M. USHER et al.

By their Attorney,

Date: October 14, 2005


Scot Wickhem, Reg. No. 41,376

CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Appendix: 14 Replacement Drawing Sheets